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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 NORRIS DAJON MILLER, No. C 09-04657 CW (PR)
9 Petitioner, ORDER OF TRANSFER

10 v.

11 PEOPLE OF THE STATE OF
12 CALIFORNIA,
13 Respondent.
14 _____/

15 Petitioner, a state prisoner, has filed a pro se petition for
16 a writ of habeas corpus. He seeks leave to proceed in forma
17 pauperis.

18 Federal statute allows "the Supreme Court, any justice
19 thereof, the district courts and any circuit judge" to grant writs
20 of habeas corpus "within their respective jurisdictions." 28
21 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus
22 made by a person in custody under the judgment and sentence of a
23 state court is properly filed in either the district of confinement
24 or the district of conviction. Id. § 2241(d). The district court
25 where the petition is filed, however, may transfer the petition to
26 the other district in the furtherance of justice. See id. Federal
27 courts in California traditionally have chosen to hear petitions
28 challenging a conviction or sentence in the district of conviction.

1 See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);
2 Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

3 Here, Petitioner challenges a conviction and sentence incurred
4 in the Los Angeles County Superior Court, which is in the venue of
5 the Western Division of the Central District of California. See 28
6 U.S.C. § 84. Accordingly, that is the proper venue for this
7 action.

8 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and
9 in the interest of justice, the Clerk of the Court is ordered to
10 TRANSFER this action forthwith to the United States District Court
11 for the Western Division of the Central District of California.

12 All remaining motions are TERMINATED on this Court's docket as
13 no longer pending in this district.

14 IT IS SO ORDERED.

15 Dated: 10/21/2009



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

NORRIS DAJON MILLER,
Plaintiff,

Case Number: CV09-04657 CW

CERTIFICATE OF SERVICE

v.

PEOPLE OF THE STATE OF CALIFORNIA
et al,

Defendant.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 21, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Norris DaJon Miller F-22959
Kern Valley State Prison
P.O. Box 5102
Delano, CA 93216

Dated: October 21, 2009

Richard W. Wieking, Clerk
By: Clara Pierce, Deputy Clerk